

REMARKS

Reconsideration of the above-identified patent application in view of the present amendment is respectfully requested.

This amendment amends the specification to correct reference numbers. The amendments to the specification overcome the objections to the specification. This amendment cancels claims 1-14 and 18-21. New claims 22-37 are added by this amendment.

Claim 15 was rejected as obvious under 35 U.S.C. 103 over Sukigara et al., U.S. Patent No. 6,234,704, in view of Kato et al., U.S. Patent No. 6,298,962. This rejection is respectfully traversed.

In rejecting claim 15, the Office Action states that one of ordinary skill in the art would be motivated to modify Sukigara et al. with the teachings of Kato et al. "in order to provide the weakened portion with a simpler and cheaper construction." (Office Action, page 5). "The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification."

In re Fritch, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992).

Neither Sukigara et al. nor Kato et al. teaches or suggests that the weakened portion of Kato et al. would be simpler or cheaper to manufacture than the furrowed portion of Sukigara et al. Moreover, one of ordinary skill in the art would not assume that the weakened portion of Kato et al. would be simpler or cheaper to manufacture than the furrowed portion of

Sukigara et al. To manufacture the weakened portion of Kato et al., the hollow rodlike body 102 must first be formed. The weakened portion is then formed on a portion of the hollow rodlike body 102 while the remainder of the hollow rodlike body is maintained in the tubular shape. Sukigara et al. merely forms a solid rod and forms furrows in the solid rod using a rolling machine. Neither Sukigara et al. nor Kato et al. teaches or suggests which portion would be simpler or cheaper to manufacture. Thus, the suggested motivation for combining Sukigara et al. and Kato et al. is improper and the rejection of claim 15 should be withdrawn.

If, however, the Examiner has personal knowledge that the weakened portion of Kato et al. would be simpler and cheaper to manufacture than the furrowed portion of Sukigara et al., then, pursuant to 37 C.F.R. §1.104(d)(2), Applicant requests an affidavit of the Examiner to support the Examiner's statement of personal knowledge.

Claims 16 and 17 depend from claim 15 and are allowable for at least the same reasons as claim 15.

New claim 22 recites a linkage member comprising a shank extending axially along a first axis. The shank has a first portion with a first outer surface that extends entirely around a circumference of the shank and is centered on the first axis. The shank includes a narrowed second portion at a predetermined location along the first axis. The narrowed second portion has a cross-sectional area less than a cross-sectional area of the first portion. The shank is adapted to buckle at the narrowed second portion under a predetermined

axial load. The narrowed second portion of the shank includes a second outer surface that extends entirely around the circumference of the shank and is located entirely within a projection of the cross-sectional area of the first portion. The narrowed second portion is centered on a second axis that is offset relative to the first axis.

Claim 22 patentably defines over Sukigara et al., Kato et al., and Haldric et al., whether taken singularly or in combination. Claim 22 recites that the narrowed second portion of shank includes a second outer surface that extends entirely around the circumference of the shank and is located entirely within a projection of the cross-sectional area of the first portion of the shank. Claim 22 also recites that the narrowed second portion is centered on a second axis that is offset relative to a first axis of the shank. None of Sukigara et al, Kato et al., and Haldric et al. teach or suggest these features of claim 22.

The buckle portion 15 of Sukigara et al. is centered on the axis of the stud portion 12 and is not centered on a second axis that is offset relative to the axis of the stud portion. Additionally, the furrowed portions 16 of Sukigara et al. do not have an outer surface that is located entirely within a projection of the cross-sectional area of the stud portion. The furrowed portions 16 extend radially outwardly of a projection of the cross-sectional area of the stud portion. Thus, Sukigara et al. fails to teach or suggest these features of claim 22.

In Figs. 8A-8C of Kato et al., the outer surface of the thin walled portion 206 is centered on the axis P of the rodlike body 202 and is not centered on an axis offset from axis P. In the other embodiments of Kato et al., the outer surface of the buckling portion is not entirely within a projection of the cross-sectional area of the rodlike body. Thus, Kato et al. also fails to teach or suggest these features of claim 12.

The outer surface of the intermediate zone 12 of Haldric et al. extends outwardly of a projection of the cross-sectional area of the first portion of the rod 10. Therefore, Haldric et al. fails to teach or suggest these features of claim 22.

Since Sukigara et al, Kato et al., and Haldric et al. each fail to teach or suggest these features of claim 22, a combination of the references also fails to teach or suggest the features. Therefore, allowance of claim 22 is respectfully requested.

Claims 23-28 depend from claim 22 and are allowable for at least the same reasons as claim 22. Additionally, claims 23-28 are allowable for the specific limitations of each claim.

Specifically, claim 24 recites that the narrowed second portion of the shank includes first and second opposite ends. A first annular tapered surface connects the first outer surface to the second outer surface at the first end of the narrowed second portion and a second annular tapered surface connects the first outer surface to the second outer surface

at the second end of the narrowed second portion. The first and second annular tapered surfaces are asymmetric about the first axis. None of Sukigara et al., Kato et al., and Haldric et al. teaches or suggests first and second annular tapered surfaces that are asymmetric about the axis of the rod. Therefore, allowance of claim 24 is respectfully requested.

New claim 29 recites a linkage member comprising a shank having opposite ends and extending axially along a first linear axis. The shank has a first portion with a first outer surface that is centered on the first linear axis. The shank includes a narrowed second portion at a predetermined location intermediate the ends of the shank along the first linear axis. The narrowed second portion has a cross-sectional area less than a cross-sectional area of the first portion. The shank is adapted to buckle at the narrowed second portion under a predetermined axial load. The narrowed second portion of the shank includes a second outer surface that is centered on a second linear axis that is offset relative to the first linear axis and extends parallel to the first linear axis.

New claim 29 patentably defines over Sukigara et al., Kato et al., and Haldric et al., whether taken singularly or in combination. Claim 29 recites that the narrowed second portion of the shank includes a second outer surface that is centered on a second linear axis that is offset relative to a first linear axis of the shank and extends parallel to the first linear axis. Sukigara et al., Kato et al., and Haldric et al. fail to teach this feature of claim 29.

The buckle portion 15 of Sukigara et al. is centered on the axis of the stud portion 12. Similarly, the thin walled portion 206 of Figs. 8A-8C of Kato et al. is centered on axis P of the rodlike body 202. The other embodiments of Kato et al. and the rod of Haldric et al. fail to teach a narrowed second portion that is centered on a second linear axis that is offset from the first linear axis of the shank. Since none of Sukigara et al., Kato et al., and Haldric et al. teaches or suggests these features of new claim 29, a combination of the references also fails to teach or suggests the features. Therefore, allowance of claim 29 is respectfully requested.

Claims 30-33 depend from claim 29 and are allowable for at least the same reasons as claim 29. Additionally, claims 30-33 are allowable for the specific limitations of each claim.

Specifically, claim 33 recites that the narrowed second portion of the shank extends straight along the second linear axis and parallel to the first linear axis. None of the references teaches or suggests a narrowed second portion that extends straight along a second linear axis that is offset from and parallel to a first linear axis of the shank.

New claim 34 recites a linkage member comprising a shank having first and second portions. The first portion has opposite first and second ends and extends axially along a first axis. The first portion has a first cross-sectional area that is centered on the first axis. The first cross-sectional area has a first cross-sectional shape. The second portion of the shank is located intermediate the first and

second ends of the first portion. The shank is adapted to buckle at the second portion under a predetermined axial load. The second portion of the shank has a second cross-sectional area that is smaller than the first cross-sectional area. The second cross-sectional area is centered on a second axis that is offset relative to the first axis. The second cross-sectional area also has the first cross-sectional shape. The linkage member also comprises first and second transition portions that connect the second portion of the shank to the first and second ends of the first portion, respectively. Each of the first and second transition portions has an outer surface that extends axially, when measured along the first axis, over a first distance on a first side of the first axis and over a second distance, different from the first distance, on a second side of the first axis, opposite the first side.

New claim 34 patentably defines over Sukigara et al., Kato et al., and Haldric et al., whether taken singularly or in combination. Claim 34 recites that the shank has first and second portions, each having the same cross-sectional shape. Claim 29 also recites first and second transition portions. Each of the first and second transition portions has an outer surface that extends axially, when measured along the first axis, over a first distance on a first side of the first axis and over a second distance, different from the first distance, on a second side of the first axis, opposite the first side. None of Sukigara et al., Kato et al., and Haldric et al. teaches or suggests these features of claim 34. Therefore, allowance of claim 34 is respectfully requested.

Claims 35-37 depend from claim 34 and are allowable for at least the same reasons as claim 34. Therefore, allowance of claims 35-37 is respectfully requested.

In view of the foregoing, it is respectfully submitted that the above-identified patent application is in condition for allowance, and allowance of the above-identified patent application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,



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